

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC., PELVIC REPAIR § MDL NO. 2327
SYSTEMS PRODUCTS LIABILITY §
§
This Document Relates to All Cases § JUDGE JOSEPH R. GOODWIN

**APPLICATION OF LAURA V. YAEGER
FOR PLAINTIFFS' STEERING COMMITTEE**

TO THE HONORABLE COURT:

I, Laura V. Yaeger, an attorney with Fleming, Nolen & Jez, L.L.P. (FNJ), respectfully file this application for appointment as a member of the Plaintiffs' Steering Committee (PSC) for the Ethicon, Inc., Pelvic Repair Systems Products Litigation – MDL No. 2327. This application is being made in conjunction with Plaintiffs' Proposed Counsel Organizational Structure plan filed with the Court. I have reviewed the proposed organizational plan and join in the recommendation to the Court that the plan be accepted.

INVOLVEMENT WITH THE PELVIC REPAIR PRODUCTS LITIGATION

FNJ is counsel of record in the several cases, which have been transferred or are due to be transferred into MDL Nos. 2325, 2326, and 2327. Since July 2011, FNJ has been involved with this litigation, investing significant time and resources. Specifically, a number of staff and attorneys, including myself, have dedicated themselves to interviewing hundreds of women injured by the products, conducting due diligence reviews of our clients' cases, researching FDA documents and medical literature, meeting and retaining experts, attending conferences with other attorneys to discuss issues and the mutual interests of our respective clients, and we attended the JPML hearing in January. Once we complete our due diligence review, I expect that we will file many more cases in addition to those listed above.

PROFESSIONAL EXPERIENCE

I, as well as the attorneys and staff of FNJ, are experienced in mass tort litigation. Our experience and talents in this arena will be directly applicable to this litigation. I am licensed to practice law in Texas and before the United States District Courts for the Southern and Eastern Districts of Texas.¹ For the Court's convenience, I have attached my curriculum vitae for further information about my thirteen years of legal experience. *See Ex. 1.*

Over the last 20 years, FNJ has developed a sophisticated mass torts department. For example, in the polybutylene plumbing litigation, FNJ represented more than 60,000 households with defective plumbing systems. Also, in the Fen-Phen litigation, FNJ represented more than 8,500 clients in lawsuits filed across the country, including MDL 1203 in Philadelphia, Pennsylvania. Specifically, I managed 8,000 MDL cases, which required drafting and arguing global and case-specific motions, overseeing a large team to handle written and oral discovery, and interviewing and hiring experts. FNJ has distinguished itself as particularly well-suited for helping clients involved in mass tort cases, having represented thousands of clients with claims in several MDL cases.²

In the Fosamax MDL 1792 litigation, my colleague and I served on the Discovery Committee, where we worked with several of the other applicants for this PSC, specifically Michelle Parfitt and Jeff Grand. We participated in the review and coding of hundreds of thousands of documents to build a document grid and master exhibit list to assist with

¹ I have been admitted *pro hac vice* in the Southern District of New York and others.

² MDL 875: In Re: Asbestos Products Liability Litigation (No. VI); MDL 1203: In Re: Diet Drugs Products Liability Litigation; MDL 1348: In Re: Rezulin Products Liability Litigation; MDL 1401: In Re: Sulzer Hips Prosthesis and Knee Prosthesis Products Liability Litigation; MDL 1446 In Re: Enron Corp. Securities, Derivatives & "ERISA" Litigation; MDL 1507: In re: Prempro Products Liability Litigation; MDL 1726: In Re: Medtronic, Inc. Implantable Defibrillators Products Liability Litigation; MDL 1742: In Re: Ortho Evra Products Liability Litigation; MDL 1789: In Re :Fosamax Liability Litigation; MDL 1928: In Re: Trasylol Products Liability Litigation; MDL 2067: In Re: Celexa and Lexapro Marketing and Sales Practices Litigation; MDL 2197: In Re: DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation; and MDL 2272: In Re: Zimmer NexGen Knee Implant Products Liability Litigation.

depositions and trials. FNJ dedicated the resources necessary to complete the document review in the time required. As in the Fosamax litigation, the firm has dedicated its resources and talents to this litigation and others by serving on PSCs.³

WILLINGNESS, AVAILABILITY AND ABILITY TO WORK WITH OTHERS

I am committed to this litigation and am willing to effectively serve on the PSC in a manner that will promote good working relations among counsel and with the Court. I believe I have gained a reputation for being able to cooperatively work with the others in a timely and professional manner. I am qualified and responsible and have the support of FNJ to accomplish the above. Further, FNJ possesses the resources, experience and talent necessary to promote the efficient advancement of this litigation consistent with the interests of all plaintiffs. Therefore, I respectfully seek Your Honor's appointment and request that the Plaintiffs' Proposed Counsel Organizational Structure plan for MDL Nos. 2325, 2326, and 2327 be accepted.

Respectfully submitted,

FLEMING, NOLEN & JEZ, L.L.P.

/s/Laura V. Yaeger
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³ FNJ attorneys serve on PSCs in MDL 1928 - Trasylol and in MDL 2272 - Zimmer NexGen Knee. Our role and participation include but are not limited to document review, media review, developing a master exhibit list, and reviewing the initial set of trial pool cases to identify bellwether cases.

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2012 I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Southern District of West Virginia, Charleston Division, using the electronic case filing system of the Court.

/s/ Laura V. Yaeger